

SUBDIVISION MEETING

October 4, 2001

Vice-Chair Mike Murray called the meeting to order at 9:00 a.m. Commissioner Varone was present. Commissioner Loendorf was out of town on county business. Others attending all or a portion of the meeting included K. Paul Stahl, Ron Alles, Sharon Haugen, Janet Pallister, Michael McHugh, Frank Rives, Joan Miles, Dick Meeker, John Traub, Cheryl Green, Mike Murphy, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge of allegiance.

Minutes. There were no minutes to approve.

Auditor Claims. Commissioner Varone moved that the Commission approve and authorize the release of the claims. Commissioner Murray seconded the motion and it carried 2-0.

Court Services Contract. Dick Meeker reported that the AWARE grant is the result of funding through Department of Corrections and deals with runaway juvenile offenders in the community. The grant will pay AWARE \$40 per hour with a maximum of 10 hours per client. Commissioner Varone moved that the Commission approve the grant agreement and authorized the Vice-Chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Bid Award. Janet Pallister reported that the county received and opened two bids for the purchase of a 150 gallon water heater, furnace, and boiler at the Health Facility building. Staff recommended that the Commissioners award the base bid to Jack's Technical Assistance in the amount of \$20,180.87, which includes bid alternates 1, 2, and 3, and that the Chair be authorized to sign the necessary contract documents. Commissioner Varone moved that the Commissioners award the bid to Jack's Technical Assistance as recommended by staff and authorized the Vice-Chair to sign. Commissioner Murray seconded and it carried 2-0.

Request for Modification of the Subdivision Approval for Proposed Subdivision, Summary Review to be now as the Traub Minor. (cont. from 9/18 & 10/2/01). Commissioner Murray stated that he inspected Mr. Traub's property. The property is free of noxious weeds and the lot has been mowed. Commissioner Varone moved that the Commission approve the applicant's modification requests, subject to 12 condition of approval. Commissioner Murray seconded the motion.

Amendments to Conditions of Approval.

Condition 1 (plans for wastewater treatment and water supply system). Commissioner Varone moved to delete this condition because it was grandfathered in and the applicant would like to go back to where he was originally before he attempted to subdivide the property. The motion died for the lack of a second.

Condition 2 (storm water drainage plan). Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 3 (two driveway approaches). Commissioner Varone moved to delete this condition as an undue hardship for the applicant. The motion died for the lack of a second.

Substitute Motion. Commissioner Murray moved that the county adopt the staff's recommendation to modify the condition to require the 24-foot depth rather than the 30-foot depth that is required in the original conditions of approval. Commissioner Varone seconded the motion because it is less restrictive than the original recommendation. The motion carried 2-0.

Condition 4 (updated site plan). Commissioner Varone moved to modify this condition to read, "Planning Department shall be provided an updated site plan." (delete remainder of the paragraph). Commissioner Murray seconded the motion and it carried 2-0.

Condition 5 (weed management plan). Commissioner Varone moved to delete this condition. Commissioner Murray seconded the motion and it carried 2-0.

Condition 6 (fire protection plan). Commissioner Varone moved to delete this condition because there has been no change on the property. The motion died for the lack of a second.

Condition 7.d. Commissioner Varone moved that the language be changed to read, "any exterior lighting should be arranged to direct it downward so as to minimize illumination beyond the subject property line." Commissioner Murray seconded the motion and it carried 2-0.

Condition 7.h. Commissioner Varone moved to correct the numbering from 7.h to 7.g. Commissioner Murray seconded the motion and it carried 2-0.

The motion to approve the proposal with 11 conditions as amended carried 2-0.

Proposed Subdivision, Summary Review to be Known as Richland Towers No. 2 Minor. (cont. from 8/28, 9/4 & 10/2/01). The Commissioners will consider rendering a decision creating one space for lease for a communication tower site (100'x100'). The tract would be developed for one space for lease for a 190-foot high, self-supported communication tower. The lease space would be enclosed by a six-foot high, chain link security fence. The parcel is currently developed with a single family home, an on-site water well, an on-site wastewater treatment system and utilities. No services would be required for this development. Access to the lease parcel would be from Interstate 15, connection to the South Recreation Road and then via an existing jeep trail. Road construction and an approach permit would be required to access the site. The

proposal is located in the SE1/4 of Section 21, T14N, R4W; generally located south of Wolf Creek and east of Frontage Road.

Commissioner Murray stated that because the public hearing was closed, the Commission cannot consider the fax dated October 4 that came in this morning.

Commissioner Varone moved that the Commission approve the proposal subject to 12 conditions of approval. Commissioner Murray seconded the motion.

Amendments to Conditions.

Commissioner Murray moved that the applicant submit a bond in the event of bankruptcy or no longer use of the tower. Staff to work out an amount. Commissioner Varone seconded the motion and it carried 2-0.

Commissioner Murray moved that Richland Towers shall provide access at no expense to the county for safety and emergency services. Commissioner Varone seconded the motion carried 2-0.

The motion to approve the proposal subject to 11 conditions as amended carried 2-0.

Final Plat Approval and Signatures for the Ries Tracts, Lot 3 Minor Subdivision.

(Applicant, Brad Plymale). Michael McHugh reported that all the conditions have been met and all the taxes have been paid. By consensus, the Commission agreed to sign the final plat.

TSEP Contract MT-TSEP-PE-02-170. (cont. from 10/2/01). Janet Pallister reported that the TSEP contract with the Department of Commerce is to provide funding to hire a consultant to redo the county's bridge inventory. The total amount of the grant is \$10,000. The county's match funding of \$10,000 are in the FY02 Bridge Project. Staff and the Deputy County Attorney have reviewed the contract and approve it for signature. Commissioner Varone moved that the Commission approve the grant contract and authorized the Vice-Chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Health Department Contract Renewal. Joan Miles reported that the three agreements with Craig School, Wolf Creek School, and Trinity School (Canyon Creek) are for school nursing services for the 2001-02 school year. Staff recommended approval. Commissioner Varone moved that the Commission approve the three agreements and authorized the Vice-Chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Montana Cultural Trust Agreement and Helena Symphony Society. (cont. from 10/2/01).

On Tuesday, Commissioner Varone asked to review the original budget document. Sharon Haugen reported that originally, the Helena Symphony Society applied for \$20,000 to the Montana Cultural Arts program and received \$12,000 and they had to do a revised budget. Staff recommended approval of the revised budget. Commissioner

Varone moved that the Commission approve the revised budget and authorized the Vice-Chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Fees and Assessments Paid. Cheryl Green reported that Ahmann Brothers Inc. has requested a refund of fees in the amount of \$144.04 due to an erroneous assessment. Staff recommended approval. Commissioner Varone moved that the Commission approve the resolution granting a refund of taxes and assessments paid to Ahmann Brothers in the amount of \$144.04 and authorized the Vice-Chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Fees and Assessments Paid. Cheryl Green reported that James and Rosellen Frisbee have requested a refund of fees in the amount of \$757.51. The Frisbee's home was calculated at 100% complete instead of 40%. The appraiser recalculated and corrected the value of the home 40% complete. Commissioner Murray moved to table this until the Administrative Staff meeting at 11:00 to allow a Department of Revenue representative to be present. Commissioner Varone seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Fees and Assessments Paid. Cheryl Green reported that Clifford and Joceyne Schmutzler have requested a refund of Lincoln Solid Waste fees in the amount of \$270 due to an erroneous assessment. Staff recommended approval. Commissioner Varone moved that the Commission approve the resolution granting a refund of solid waste fees to Clifford and Joceyne Schmutzler in the amount of \$270 and authorized the Vice-Chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Fees and Assessments Paid. Cheryl Green reported that Carol Wells has requested a refund of Lincoln Solid Waste fees in the amount of \$257 due to an erroneous assessment. Staff recommended approval. Commissioner Varone moved that the Commission approve the resolution granting a refund of solid waste fees to Carol Wells in the amount of \$257.00 and authorized the Vice-Chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Fees and Assessments Paid. Cheryl Green reported that Donald and Kathy Van DeRiet have requested a refund of Lincoln Landfill Fees in the amount of \$450 due to an erroneous assessment. After some discussion, Commissioner Murray moved that the Commission table this request to after the next Lincoln Landfill Board meeting, Thursday, October 25. Commissioner Varone seconded and it carried unanimously.

There being no other business, the meeting adjourned at 10:15 a.m.